UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,353	12/27/2000	Jainendra Kumar	CISCO-3479	8818

22434   7590   10/26/2007

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EXAMINER
LIPMAN, JACOB

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
10/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/751,353	KUMAR, JAINENDRA
	Examiner	Art Unit	
	Jacob Lipman	2134	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29,30,33,35,37,39-41,43-45 and 47-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29,30,33,35,37,39-41,43-45 and 47-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 29, 30, 33, 35, 37, 39-41, 43-45, and 47-49, are rejected under 35 U.S.C.

103(a) as being unpatentable over Le et al., US Patent number 5,883,956 in view of

Ghaibeh et al., USPN 5,926,478.

With regard to claims 29, 39, 43, and 47, Le discloses a cryptographic feature

enablement system (column 10 lines 25-29), including a processing unit (column 10 line

29) a cryptographic chip (SPU, abstract) including circuitry configured to perform

encryption and decryption for a plurality of cryptographic systems (column 7 lines 51-

56), where each system provides a different level of security (column 8 lines 17-22), a

non-volatile read/write memory storing an encrypted token (column 6 lines 51-53)

including encrypted initialization data (column 5 lines 33-52) for enabling circuitry

configured to perform one of the cryptographic systems in the cryptographic chip

(column 4 line 65-column 5 line 4), a bus connecting the processing unit to the non-

volatile memory and the cryptographic chip (column 6 lines 54-55) to transmit data

between the processing unit, the non-volatile memory and the cryptographic chip,

(Figure 1), and token authentication circuitry in the non-volatile memory to authenticate

the encrypted initialization data in the encrypted token (column 11 line 42-column 12

line 9) wherein the initialization data enables the circuitry in the cryptographic chip to perform encryption and decryption of data for one of the plurality of cryptographic systems (column 7 lines 51-56). Since Le teaches that the chip can possibly call each system (column 8 lines 17-22), he discloses that it can call the system with the highest level of security. Le does not disclose the initialization information should be decrypted, since it is not completely encrypted. Le does disclose that encrypting initialization information increases security (column 7 lines 5-15) and discloses the token should be secure for authentication reasons (column 5 lines 12-20). It would be obvious to one of ordinary skill in the art to encrypt the token to make it more secure while still proving authentication. Le does not disclose encrypting the token using the MAC address of the system. Le discloses encrypting the token (enabling bit string) with a device ID (column 11 lines 49-67), and that the device ID is a system serial number (column 6 lines 1-4), but does not specifically mention a MAC address. Ghaibeh discloses that a MAC address is a unique device ID (column 5 lines 10-25). It would have been obvious for one of ordinary skill in the art to use a MAC address as the device ID of Le, since it is always unique.

With regard to claims 41, 45, and 49, Le discloses hashing the public key with the device ID (column 11 lines 59-64), thus creating a private key. Le also discloses the possibility of using public/private keys (column 14 lines 7-43).

With regard to claims 33, 35, and 37, Le discloses that the system has a default security level, and is being reconfigured (column 4 line 65-column 5 line 4).

With regard to claims 30, 40, 44, and 48, Le discloses a non-volatile memory, as outlined above, but does not specify a FLASH memory. The examiner takes official notice that flash memory is a commonly used type of non-volatile memory. Since applicant did not traverse the examiner's official notice, it is taken to be admitted prior art (MPEP 2144.03). It would have been obvious for one of ordinary skill in the art to use Le's cryptographic control in a system using FLASH memory to allow for dynamic capability control.

Response to Arguments

3.   Applicant's arguments filed 15 August 2007 have been fully considered but they are not persuasive.

Applicant argues that the capability table in not a token and is not encrypted. The examiner points to Le, column 7 line 66-coumn 8 line 2, where Le discloses that the capability table is a string of bits referred to as an "enabling bit stream". The examiner feels that this reads on the term token. Further, Le discloses that the token is encrypted (column 11 lines 57-67).
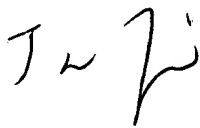
Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL